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WATER RESOURCES
WESTERN REGION

Attorneys for Protestants

Ballentyne Ditch Company, Boise Valley Irrigation Ditch Company,
Canyon County Water Company, Eureka Water Company,
Farmers' Co-operative Ditch Company, Middleton Mill Ditch Company,
Middleton Irrigation Association, Inc., Nampa & Meridian Irrigation District,
New Dry Creek Ditch Company, Pioneer Ditch Company,
Pioneer Irrigation District, Settlers Irrigation District,
South Boise Water Company, and Thurman Mill Ditch Company

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 63-34403 IN THE NAME
OF CAT CREEK ENERGY, LLC

NOTICE OF PROTEST

COMES NOW, Ballentyne Ditch Company, Boise Valley Irrigation Ditch Company,
Canyon County Water Company, Eureka Water Company, Farmers' Co-operative Ditch
Company, Middleton Mill Ditch Company, Middleton Irrigation Association, Inc., Nampa &
Meridian Irrigation District, New Dry Creek Ditch Company, Pioneer Ditch Company, Pioneer
Irrigation District, Settlers Irrigation District, South Boise Water Company, and Thurman Mill
Ditch Company (collectively, the "Protestants"), by and through their attorneys of record
Sawtooth Law Offices, PLLC,¹ hereby file this Notice of Protest to Application for Permit

¹ Protestants advise, for purposes of service of documents in this matter, that multiple sets are not required, and request that a single set of service documents be provided to Sawtooth Law Offices.

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Received by AK

No. 63-34403 ("Application"), filed in the name of Cat Creek Energy, LLC.

The bases for the Protest are:

1. The Application will cause injury to existing water rights, specifically those of the Protestants.
2. The Application is contrary to, or may conflict with Idaho Code Section 42-203A(5), subsections (a) through (g).
3. For such other and further reasons as may be set forth at the hearing on this matter.

RELIEF REQUESTED

The Protestants respectfully request that for the above listed reasons, proposed Application for Permit No. 63-34403 be denied in all respects. In the alternative, the Protestants respectfully request that any approval of Application for Permit No. 63-34403 be conditioned upon complete protection of the Protestants' existing water rights.

DATED this 21st day of September, 2018.

SAWTOOTH LAW OFFICES, PLLC

By  
S. Bryce Farris

Attorneys for Protestants Ballentyne Ditch Company, Boise Valley Irrigation Ditch Company, Canyon County Water Company, Eureka Water Company, Farmers' Co-operative Ditch Company, Middleton Mill Ditch Company, Middleton Irrigation Association, Inc., Nampa & Meridian Irrigation District, New Dry Creek Ditch Company, Pioneer Ditch Company, Pioneer Irrigation District, Settlers Irrigation District, South Boise Water Company, and Thurman Mill Ditch Company

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on this 21st day of September, 2018, I caused a true and correct copy of the foregoing **NOTICE OF PROTEST** to be served by the method indicated below, and addressed to the following:

Cat Creek Energy, LLC
398 9th Street, Suite 240
Boise, ID 83702
T (406) 459-3013

☒ (X) U.S. Mail, Postage Prepaid
☐ () Hand Delivered
☐ () Overnight Mail
☐ () Facsimile
☐ () Email

Idaho Water Engineering
Attn: David R. Tuthill Jr.
2918 N. El Rancho Place
Boise, ID 83704
T (208) 378-15130

☒ (X) U.S. Mail, Postage Prepaid
☐ () Hand Delivered
☐ () Overnight Mail
☐ () Facsimile
☐ () Email



S. Bryce Farris